

Inquiry into Standing Order 118
Proposed time limit for answers
to questions without notice

Report No. 3

Standing Committee on Administration and Procedure

October 2003

Legislative Assembly for the Australian Capital Territory



Resolution of appointment

In 1995, the Legislative Assembly for the Australian Capital Territory ('the Assembly') adopted Standing Order 16, which established the Standing Committee on Administration and Procedure ('the Committee'). The members of the Committee for the Fifth Assembly ('the Members') are:

The Speaker (Presiding Member)

Roslyn Dundas, MLA

Vicki Dunne, MLA

John Hargreaves, MLA

Secretary: Tom Duncan (Clerk)

Assistant Secretary: Janice Rafferty (Clerk Assistant)

Standing Order 16 authorises the Committee to inquire into and report on, among other things, the practices and procedure of the Assembly and the standing orders of the Assembly.

Terms of reference

On 7 May 2003 the Legislative Assembly for the Australian Capital Territory considered the following motion proposed during private Member's business:

That this Assembly amends Standing Order 118, in accordance with the Australian Labor Party's 2001 Election Commitments (page 35, paragraph 8 'We will limit Ministers' answers to Questions to five minutes'), by adding a new sub-section (c) shall not be longer than five minutes in length, and amends existing sub-section (b) by adding 'and' after 'refers'.

Debate on the motion was adjourned and made an order of the day for the next sitting.

On the same day, the Assembly resolved:

That:

- (1) the order of the day concerning a proposed amendment to Standing Order 118 be referred to the Standing Committee on Administration and Procedure for inquiry and report; and
- (2) upon the Committee presenting its report to the Assembly, resumption of debate in the motion be set down as an order of the day for the next sitting.

For further information on this and other inquiries by the Committee contact the Committee Secretary on (02) 6205 50191 or by email at committees@act.gov.au. Alternatively view the Committee's website at www.legassembly.act.gov.au.

1. BACKGROUND

- 1.1 The issue of time limits to answers to questions without notice is one that is dealt with in a number of different ways by parliaments around Australia. In some instances a specific time limit is set, in others there is no limit for answers.
- 1.2 In March 2001 (4th Assembly), the Assembly directed that the Standing Committee on Administration inquire and report on an amendment to Standing Orders to set time limits for the asking and answering of Questions without Notice (QWN). It recommended to the Assembly that the proposal not be supported.
- 1.3 When the Committee considered this issue in May 2001 it recommended to the Assembly that the proposal to have time limits for answers to questions without notice not be supported. Information available at the time indicated that the only jurisdiction in Australia, other than the Senate, that provides for time limits to answers given to questions without notice was the Queensland Legislative Assembly
- 1.4 In recommending that the proposal not be supported, the previous Committee (4th Assembly) drew on the controls and protections that exist with the Standing Orders and recommended that Members be made more aware of their obligations in the asking and answering of questions during Question Time. Support for the Speaker in his or her control of Question Time was also encouraged.

Present Practice

- 1.5 There are presently no time limits that apply to the answering of questions during Question Time in the Assembly. However, Standing Order 118 requires that answers be concise, confined to the subject matter of the question and shall not be debated. The Speaker may also direct a Member to terminate an answer if in his or her opinion the Member is contravening the provisions stated above or the Member has had sufficient opportunity to answer the question.

Standing Order 118

Answers to questions without notice

118. The answer to a question without notice:
- (a) shall be concise and confined to the subject matter of the question; and
 - (b) shall not debate the subject to which the question refers, and the Speaker may direct a Member to terminate an answer if of the opinion that these provisions are being contravened or that the Member has had a sufficient opportunity to answer the question.

2. SURVEY OF OTHER PARLIAMENTS

- 2.1 Other parliaments in Australia and New Zealand were contacted by email and information regarding time limits to answers given to questions without notice was sought.
- 2.2 In addition to time limits for answers, information was provided in relation to the total length of Question Time.
- 2.3 Of the 16 respondents, 11 parliaments indicated that there was no limit (68.75%); 3 have a time limit of 4 minutes (18.75%); 1 has a 3 minute limit (6.25%) and one parliament does not have a question time (6.25%).
- 2.4 Currently 4 jurisdictions impose time limits to answers to QWN. In addition to the Australian Senate and Queensland, the NSW Legislative Council and the Victorian Legislative Council. Most jurisdictions have a time limit for the total length of Question time.

**Table 1 – Comparison of Practices in Australian Parliaments
concerning question time**

Chamber	Time limit for answers	Comment/s	Length of time allocated to questions without notice
Australian Capital Territory Legislative Assembly	No limit specified		Questions without notice shall not be concluded until all non-executive Members rising have asked at least one question. (SO 113A)
Australia House of Representatives	No limit specified		There is a convention that no more than 20 questions per sitting be asked
Australia Senate	4 minutes	Four minutes for an answer to a question One minute for an answer to a supplementary question	
New South Wales Legislative Assembly	No limit specified		No question shall be asked after 45 minutes from the Speaker calling on questions or the answering of 10 questions whichever is the later. (SO 140(2))
New South Wales Legislative Council	4 minutes	Four minutes for an answer to a question* Two minutes for an	

Chamber	Time limit for answers	Comment/s	Length of time allocated to questions without notice
		answer to a supplementary question	
New Zealand House of Representatives**	There are no “questions without notice”		
Norfolk Island Legislative Assembly	No limit specified		
Northern Territory Legislative Assembly	No limit specified		
Queensland Legislative Assembly	3 minutes		The total period allowed each day for the asking of questions without notice shall not exceed one hour ... (<i>Sessional Order 67A</i>) ... number of questions which may be asked by any Member without notice shall not exceed one on any sitting day, except for the Leader of the Opposition who may ask two questions without notice. (<i>Sessional Order 67D</i>)
South Australia House of Assembly	No limit specified		Unless otherwise ordered, the period for asking questions may not exceed one hour. If, however, the last question asked or begun to be asked before the expiration of that hour has not been answered, the question may be answered even though the period of one hour has expired. (<i>SO 100</i>)
South Australia Legislative Council	No limit specified		Unless otherwise ordered, the period for asking Questions without Notice and giving Notices of Motion may not exceed one hour. If, however, before the expiration of one hour, a Question is in the process of being answered, then that Question may be answered even though the period of one hour has expired. (<i>SO 69</i>).

Chamber	Time limit for answers	Comment/s	Length of time allocated to questions without notice
Tasmanian House of Assembly	No limit specified ***		No Question shall be asked after the lapse of one hour from the Speaker calling on Questions ... (SO 87B)
Victoria Legislative Assembly	No limit specified		Question Time will last for 30 minutes or 10 questions having been answered, whichever is the longer ... (Sessional Order No 3(2))
Victoria Legislative Council	4 minutes	Four minutes for an answer to a question One minute for an answer to a supplementary question	Members may ask questions without notice provided that no question without notice may be asked after twenty minutes have elapsed from the time the President calls on questions, unless such time is extended at the discretion of the President. (SO 6.03)
Western Australian Legislative Assembly	No limit specified		Questions without Notice may be asked for a period determined by the Speaker. (SO 82)
Western Australian Legislative Council	No limit specified		The Leader of the House may terminate oral questions without notice on any sitting day by requesting the President to proceed to the next item of business. (SO 139(c))

- * A minister may seek leave to extend the time for an answer by 1 minute
- ** New Zealand House of Representatives does not have questions without notice. There are 12 oral questions on notice answered each day
- *** Standing order 87C states that “When the Speaker considers a Minister or other Member has had sufficient time to answer a Question the Speaker shall call for the next Question”.

Table 2

Questions Without Notice and

Supplementary Questions

5TH Assembly

11 December 2001 – 12 December 2002

Date of Sitting	No of Questions Without Notice	No of Supplementary Questions
11 December 2001	12	10
12 December 2001	12	11
13 December 2001	10	9
19 February 2002	12	9
20 February 2002	13	9
21 February 2002	12	8
5 March 2002	12	10
6 March 2002	12	8
7 March 2002	12	11
9 April 2002	12	11
10 April 2002	13	8
11 April 2002	12	10
7 May 2002	12	11
8 May 2002	12	11
9 May 2002	12	10
14 May 2002	10	9
15 May 2002	9	10
16 May 2002	11	8
4 June 2002	12	10
5 June 2002	11	9
6 June 2002	12	10
25 June 2002	7	5
26 June 2002	11	9
27 June 2002	5	4
20 August 2002	12	10

Date of Sitting	No of Questions Without Notice	No of Supplementary Questions
21 August 2002	12	9
23 August 2002	12	12
27 August 2002	12	9
28 August 2002	10	5
29 August 2002	9	7
24 September 2002	11	8
25 September 2002	11	5
26 September 2002	11	4
12 November 2002	12	7
13 November 2002	12	10
14 November 2002	11	5
19 November 2002	12	10
20 November 2002	12	8
21 November 2002	12	8
10 December 2002	12	9
11 December 2002	12	9
12 December 2002	12	10

Table 2A
Questions Without Notice and
Supplementary Questions
5TH Assembly

18 February 2003 – 25 September 2003

Date of Sitting	No. of QWN	No. of Supp Questions	Total Time for Question Time	Average length Q & A (minutes)
18 February 2003	11	10	1h 03m	3.00
19 February 2003	11	11	59m	2.40
20 February 2003	11	8	1h 03m	3.18
4 March 2003	11	10	1h 04m	3.02
5 March 2003	11	11	1h 14m	3.21

6 March 2003	11	9	1h 08m	3.24
11 March 2003	11	10	58m	2.45
12 March 2003	10	8	45m	2.30
13 March 2003	11	9	1h 00m	3.00
1 April 2003	11	11	58m	2.38
2 April 2003	11	7	1h 00m	3.20
3 April 2003	11	8	53m	2.47
6 May 2003	5	4	30m	2.08
7 May 2003	9	7	37m	2.18
8 May 2003	7	5	27m	2.15
17 June 2003	11	9	58m	2.54
18 June 2003	11	9	58m	2.54
19 June 2003	11	10	51m	2.27
24 June 2003	11	10	38m	1.48
25 June 2003	11	9	46m	2.18
26 June 2003	11	10	1h 06m	3.08
19 August 2003	11	9	1h 00m	3.00
20 August 2003	11	10	46m	2.11
21 August 2003	11	9	58m	2.54
26 August 2003	10	10	47m	2.21
27 August 2003	10	10	51m	2.33
28 August 2003	10	7	50m	2.56
23 September 2003	10	10	46m	2.18
24 September 2003	9	8	52m	3.03
25 September 2003	10	8	46m	2.33
Total	785	636	26h 32m	2.44

Summary (Fifth Assembly):

Table 2 and 2A

Total no of sitting days	72
Total no of QWN:	785
Total no of Supplementary Questions:	636
Total number of Questions	<u>1421</u>
Average no of QWN per sitting day:	10.9
Average no of Supplementary Questions per sitting day:	8.8
Average number of Questions	<u>19.7</u>

Summary - From 18 February 2003 to present:

TABLE 2A

Total no of sitting days:	30
Total no of QWN:	310
Total no of Supplementary Questions:	271
Total number of Questions	<u>581</u>
Average no of QWN per sitting day:	10.3
Average no of Supplementary Questions per sitting day:	9.0
Average number of Questions	<u>19.4</u>
Total time for Question time 2003 to date	26h 32m
Average length of Question Time	53m
Average length on Q and Answer	2m 44 sec

3. Committee's considerations

3.1 When the Committee of the 4th Assembly considered this issue in May 2001 it recommended to the Assembly that the proposal for time limits for answers to Questions without Notice not be supported. Information available at the time indicated that the only jurisdiction in Australia, other than the Senate, that provides for time limits on questions without notice is the Queensland Legislative Assembly.

3.2 In the October 2001 election campaign, the Labor party indicated that it intended to set time limits. The promise was:

We will limit Ministers' answers to Questions to five minutes. We will ensure Question Time is treated with respect. While it is undoubtedly a time for point scoring, under Labor there will be no avoidance of questions, and no diatribes in response to questions.

3.3 An analysis of the statistics available on the length of Question Time since the beginning of 2003 showed that the average number of questions asked (including supplementary questions) was 19.4. The average length of question time in 2003 was 53 minutes. The extrapolation of that figure reveals that the asking of a question and the giving of the answer is on average 2minutes and 44 seconds. The longest question time was 1 hour and 14 minutes (74 minutes) with 22 questions being asked. The average length of the question and answer was 3minutes 21 seconds. It is acknowledged that indeed there have been answers to questions without notice that exceed 5 minutes however further breakdown of the times is not possible.

3.4 In consultation with the Clerk and Acting Deputy Clerk, times for individual questions and answers were recorded for the sitting week 21, 22, 23 October 2003. Table 3 shows the results for that week. It needs to be noted that the time a Minister takes to answer a question without notice also includes points of order and interruptions.

TABLE 3

TIMINGS FOR ANSWERS TO QUESTIONS WITHOUT NOTICE

21, 22, 23 October 2003

21 October 2003

Question No.	Time Question started	Time Answer concluded	Total Time Q & A	Time Suppl. Question started	Time Suppl Answer concluded	Total Time Q & A	
1	2.30	2.32	2.00			0	
2	2.32	2.34	2.00	2.34	2.34	0	

3	2.34	2.43	9.00				
4	2.43	2.43	0	2.49	2.52	3.00	
5	2.52	2.53	1.00				
6	2.53	3.00	7.00	3.00	3.03	3.00	
7	3.03	3.11	8.00	3.11	3.19	8.00	
8	3.19	3.20	1.00	3.20	3.20	0	
9	3.20	3.27	7.00				
10							

22 October 2003

Question No.	Time Question started	Time Answer concluded	Total Time Q & A	Time Suppl Question started	Time Suppl Answer concluded	Total Time Q & A	
1	2.31	2.38	7.00	2.38	2.40	2.00	
2	2.40	2.47	7.00	2.47	2.48	1.00	
3	2.48	2.50	2.00	2.50	2.51	1.00	
4	2.51	2.53	2.00	2.53	2.54	1.00	
5	2.54	2.55	1.00	2.55	2.55	0	
6	2.55	2.57	2.00	2.57	2.58	1.00	
7	2.58	3.00	2.00	3.00	3.00	0	
8	3.00	3.03	3.00	3.03	3.05	2.00	
9	3.05	3.08	3.00	3.08	3.08	0	
10	3.08	3.11	3.00				

23 October 2003

Question No.	Time Question started	Time Answer concluded	Total Time Q & A	Time Suppl. Question started	Time Suppl Answer concluded	Total Time Q & A	
1	2.31	2.35	4.00	2.35	2.36	1.00	
2	2.36	2.43	7.00	2.43	2.44	1.00	
3	2.44	2.47	3.00				
4	2.47	2.50	3.00	2.50	2.50	0	
5	2.50	2.58	8.00	2.58	3.09	11.00	
6	3.09	3.09	0	3.09	3.09	0	
7	3.10	3.14	4.00				
8	3.14	3.17	3.00	3.17	3.18	1.00	
9	3.18	3.19	1.00	3.19	3.20	1.00	
10							

Total no of sitting days: 3
 Total no of QWN: 28
 Total no of Supplementary Questions: 21
 Total number of Questions 49

Average no of QWN per sitting day: 9.3
 Average no of Supplementary Questions per sitting day: 7.0
 Average number of Questions 16.3

Total time for Question time 21, 22, 23 October 2h 19m
 Average length of Question Time 46m 20sec
 Average length on Q and Answer 2m 50sec

- 3.5 On 10 occasions in the 21, 22, 23 October 2003 sitting week the time for a question and answer exceeded 5 minutes. The number of questions asked is lower than average due to a member being on leave.
- 3.6 Considering the limitations in other houses the Committee agrees that a time limit on individual questions could be warranted, but would not support a time limit on the Question Time session.
- 3.7 In light of the findings of the most recent sitting week, the Committee felt that imposing an upper limit of five minutes to the giving of any answer to a question without notice reconfirms the intention of the Standing Orders.
- 3.8 The Committee recommends that

That this Assembly amends Standing Order 118, by adding a new sub-section '(c) shall not be longer than five minutes in length' and amends existing sub-section (b) by adding 'and' after 'refers'.

Wayne Berry, MLA

Presiding Member

November 2003